

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
or Revocation of the Educator)
)
Certificate of Phyllis Frazier Smart)
)
Certificate 208906)

ORDER OF REVOCATION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 8, 2006. On December 14, 2005, the Office of Educator Certification sent Phyllis Frazier Smart a notice of her right to a hearing regarding the possible revocation of her South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. Upon receipt of the notice, Ms. Smart contacted the Department's Office of General Counsel on January 3, 2006, and inquired about her right to a hearing. She was informed that if she wished to request a hearing, she would have to request the hearing in writing within fifteen days of her receipt of the notice letter. Ms. Smart did not request a hearing in writing within the time frame specified. After considering the evidence presented, the State Board voted to revoke Ms. Smart's certificate.

FINDINGS OF FACT

Ms. Smart holds a valid South Carolina certificate with over ten years of teaching experience. During the 2005-06 school year, Ms. Smart was employed as a fourth grade teacher at Whale Branch Elementary School in the Beaufort County School District. On November 1, 2005, Ms. Smart was arrested and charged with Financial Identity Fraud and Altered/Forged Vehicle Documents. The arrest warrant states that Ms. Smart allegedly opened a bank account by using another person's name, social security number and date of birth and that

she obtained approximately \$14, 787.00 from that account. It also states that Ms. Smart attempted to obtain title to a vehicle through the South Carolina Department of Motor Vehicles in the same person's name, without the person's knowledge.

CONCLUSIONS OF LAW

The State Board may revoke the certificate of any person for just cause; just cause includes unprofessional conduct, dishonesty, evident unfitness to teach and crime against the law of this State or the United States. S.C. Code Ann. §§ 59-25-150 and 160 (2004). The State Board finds that there is sufficient information to support a conclusion that just cause exists to revoke Ms. Smart's South Carolina certificate. Should Ms. Smart ever wish to reapply for certification in South Carolina, she may not do so until after February 8, 2009. To be eligible for certification at that time, Ms. Smart must meet all current certification requirements and she must submit to a character and fitness review by the State Board.

South Carolina State Board of Education

By: /S/ Joe Isaac

Joe Isaac, Chair

Columbia, South Carolina
February 8, 2006